

AN ORDINANCE PROHIBITING UNNECESSARY NOISES;

REPEALING ALL ORDINANCES OF THE CITY OF LAS ANIMAS, COLORADO, IN CONFLICT OR INCONSISTENT THEREWITH; AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

WHEREAS, the making and creation of excessive, unnecessary, or unusually loud noises within the limits of the City of Las Animas, Colorado, is a condition which has existed for some time; and

WHEREAS, the making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place, and use affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Las Animas, Colorado; and

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, and declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the City of Las Animas, Colorado, and its inhabitants.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

1. It shall be unlawful for any person to make, continue, or cause to be made or continued any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace of safety of others, or for a person to permit such noise upon the premises of property owned or possessed or under the management or control of such person, when it is within the power of that person to prevent such noise or disturbance, within the City limits of the City of Las Animas, Colorado.

2. Noises prohibited - unnecessary noises standard.

The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance, but said enumeration shall not be deemed to be exclusive, namely:

a. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the City, except as a danger warning; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity; the use of any horn, whistle, or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up.

b. Radios, phonographs, etc. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

c. Yelling, shouting, etc. Yelling, shouting, hooting, whistling, singing, or other loud and unusual noises on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

d. Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the City.

e. Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which shall effectively prevent loud or explosive noises therefrom.

f. Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or Court, while the same are in use, or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating the same as a school, hospital, or Court street.

3. Any other Ordinance or Section of the Las Animas City Code, or portion thereof, in conflict or inconsistent with this Ordinance is hereby repealed.

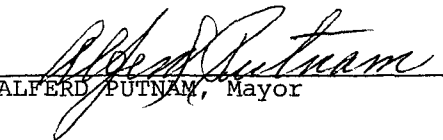
4. Violation - a misdemeanor. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor upon conviction and shall be fined in an amount not exceeding \$300.00, or be imprisoned in the City or County jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

5. Separability. It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance be declared to be invalid, all said provisions thereof shall remain valid and enforceable.

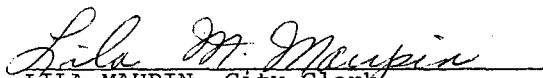
6. Emergency. The City Council of the City of Las Animas hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety and the same shall be in full force and effect after publication and final passage as provided by law.

PASSED ON FIRST READING AND ORDERED PUBLISHED THIS
2nd DAY OF Sept., 1980.

ADOPTED ON SECOND READING AND ORDERED PUBLISHED
THIS 7th DAY OF October, 1980.


ALFRED PUTNAM, Mayor

ATTEST:


LILA MAUPIN, City Clerk

Published in the Bent County Democrat
Sept. 4, 1980.